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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,351	09/13/2006	Kenji Sakamoto	1248-0827PUS1	2083

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EXAMINER	
DONADO, FRANK E	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
02/17/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/553,351	SAKAMOTO, KENJI	
	Examiner	Art Unit	
	FRANK DONADO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7-9,11,14,15,19 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,7-9,11,14,15,19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 11/19/10 has been entered. Claims 9, 19 and 21 have been amended. Claims 2, 3, 6, 10, 12, 13, 16-18, 20 and 22 have been cancelled. No claims have been added. Claims 1, 4-5, 7-9, 11, 14-15, 19 and 21 are currently pending in this application, with claims 1 and 11 being independent.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 4, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut **(6,418,129)**, in view of Hunzinger **(US PG Publication 2002/0062467),** and further in view of Kim, et al **(US Patent No. 7,139,014)**. From now on, Kim, et al, will be referred to as Kim.

Regarding claim 1, Fingerhut teaches a wireless terminal when connected to a base device, receiving video data or audio data or both video and audio data from the connected base device, comprising: connection requesting means for broadcasting a connection request command that requests a connection with a base device; connection establishing means for, when there are two or more base devices in a communications range of the wireless terminal, obtaining only a first incoming one of sets of identification data, each set being transmitted from a base device in response to the connection request command and specifying the base device, so as to establish a connection with a base device that is indicated by the thus obtained, first incoming set of identification data **(A user of a wireless device makes an activation request, by transmitting an Access Request Packet (ARP) requesting to be connected with a specific base station (Field 26 in Figure 3) in a desired coverage area, for example while searching for the nearest base station in a network, where an activation response packet 18 is transmitted by said base station comprising its base station number (Field 36 in Figure 5) in establishing a connection with said wireless device, Column 3, lines 54-55, Column 4, lines 1-3 and 7-9 and 34-45, 62-63 and 66-67, Column 5, lines 1-8 and 61-65, Column 6, lines 17-18 and 34-38 and Column 5, lines 58-60)**; Fingerhut does not teach connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established; and connection counterpart

notifying means for notifying, based on the first set of identification data, a user of the base device to which the wireless terminal is currently connected. Hunzinger teaches connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established **(To confirm a delivery of content transmitted from a gateway device, a mobile device sends a delivery confirmation acknowledgment (C-ACK) message to said gateway device, Paragraph 6, lines 1-6)**; and connection counterpart notifying means for notifying, based on the first incoming set of identification data, a user of identification data of the base device to which the wireless terminal is currently connected **(After receiving said C-ACK message, video or audio content is transmitted within said D-ACK message from said gateway that is displayed or manifested when received at said mobile phone, Paragraph 18, lines 1-5, Paragraph 5, lines 1-5 and step 220 in Figure 2B)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut to include this feature for the benefit of added security. Fingerhut, in view of Hunzinger, does not teach said wireless terminal comprising: image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, the connection counterpart notifying means displaying the identification data on the display section in an OSD manner. Kim teaches said wireless terminal comprising: image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is

connected, the connection counterpart notifying means displaying the identification data on the display section in an OSD manner **(A portable terminal displays video information in an OSD manner, identifying images based on information transmitted from a server, Column 1, lines 41-43 and 49-53, Column 2, lines 2-4 and Column 4, lines 20-32)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut, in view of Hunzinger, to include this feature for the benefit of customer service and service variety.

Regarding claims 4 and 5, Fingerhut, in view of Hunzinger**,** and further in view of Kim, teaches a wireless terminal as set forth in claim 1. Fingerhut further teaches the identification data contains a key for encrypting the data and a key for decrypting the encrypted data, where the key for encrypting the data and the key for decrypting the encrypted data are algorithms specific to the base device indicated by the identification data **(Said activation response packet 18 is transmitted by said base station comprising its base station number contains a key for encrypting the data and a key for decrypting the encrypted data, where said encryption is specific to said base station, Column 6, lines 1-4, 44, and 45)**.

Regarding claim 7, Fingerhut, in view of Hunzinger**,** and further in view of Kim, teaches a base device as set forth in claim 1. Fingerhut further teaches identification

data transmission means for transmitting the identification data to the wireless terminal **(See claim 1)**.

Regarding claim 8, Fingerhut, in view of Hunzinger**,** and further in view of Kim, teaches a wireless system as set forth in claim 1. Fingerhut further teaches the wireless terminal as set forth in claim 1 **(See Claim 1)**; and a base device comprising identification data transmission means for transmitting the identification data to the wireless terminal **(See Claim 1)**.

Regarding claims 9, Fingerhut, in view of Hunzinger**,** and further in view of Kim, teaches a wireless terminal as set forth in claim 1. Fingerhut further teaches a non-transitory computer readable storage medium storing a control program for operating a wireless terminal as set forth in claim 1, the control program causing a computer to function as each of the means **(Said activation is performed by said wireless device when caused to do so by executable instructions stored on a computer-readable medium, Column 3, lines 64-66)**.

5. Claims 11, 14, 15, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingerhut, in view of Hunzinger, and further in view of Yoon **(US PG Publication 2004/0227692)**, and further in view of Kim.

Regarding claim 11, Fingerhut teaches a wireless system comprising a base device and a wireless terminal which, when connected to a base device, receives either video data or audio data or both video and audio data from the connected base device, wherein: the wireless terminal comprises: connection requesting means for broadcasting a connection request command that requests a connection with a base device; connection establishing means for, when there are two or more base devices in a communications range of the wireless terminal, receiving only a first incoming one set of identification data from among sets of identification data, being transmitted from said two or more base devices in response to the connection request command, each set of identification data indicating one base device, so as to establish a connection with a base device that is indicated by the thus received, first incoming set of identification data **(A user of a wireless device makes an activation request, by transmitting an Access Request Packet (ARP) requesting to be connected with a specific base station (Field 26 in Figure 3) in a desired coverage area, for example while searching for the nearest base station in a network, where an activation response packet 18 is transmitted by said base station comprising its base station number (Field 36 in Figure 5) in establishing a connection with said wireless device, Column 3, lines 54-55, Column 4, lines 1-3 and 7-9 and 34-45, 62-63 and 66-67, Column 5, lines 1-8 and 61-65, Column 6, lines 17-18 and 34-38 and Column 5, lines 58-60)**; and the base device comprises: identification data transmission means for transmitting the identification data after receiving a connection request command **(Said**

activation response packet 18 is transmitted by said base station comprising its base station number (Field 36 in Figure 5) in establishing a connection with said wireless device, Column 5, lines 61-65, Column 6, lines 17-18 and 34-38 and Column 5, lines 58-60) Fingerhut does not teach a connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established; first connection confirming mode transiting means for causing transition into a connection confirmation mode in accordance with input of an instruction from a user, connection confirming means for obtaining, after the transition to the connection confirmation mode, a connection confirmation command from the base device to which the wireless terminal is connected, the connection confirmation command being for confirming the connection; and warning means for warning the user if the connection confirmation means does not obtain the connection confirmation command within a predetermined time after the transition to the connection confirmation mode; connection counterpart notifying means for notifying, based on the first incoming set of identification data, a user of the base device to which the wireless terminal is currently connected if the connection confirmation command is received within a predetermined period; and image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected; the connection counterpart notifying means displaying the identification data on the display section in an OSD manner; and the warning means warning the user by displaying a warning

message on the display section in an OSD manner and the base device comprises: means for, after receiving the connection process completion command, recognizing that the connection is established and transmitting either video data or audio data or both video and audio data to the wireless terminal; second connection confirming mode transiting means for causing transition into the connection confirmation mode in accordance with the input of the instruction from the user; and connection confirmation command transmitting means for transmitting the connection confirmation command, if the transition into the connection confirmation mode is performed. Hunzinger teaches a connection completion notifying means for, after the obtaining of the first incoming set of identification data, broadcasting a connection process completion command that indicates that the connection with the connected base device is established **(To confirm a delivery of content transmitted from a gateway device, a mobile device sends a delivery confirmation acknowledgment (C-ACK) message to said gateway device, Paragraph 6, lines 1-6)**; first connection confirming mode transiting means for causing transition into a connection confirmation mode in accordance with input of an instruction from a user; connection confirming means for obtaining, after the transition to the connection confirmation mode, a connection confirmation command from the base device to which the wireless terminal is connected, the connection confirmation command being for confirming the connection **(In response to a request sent by a user of a mobile device, said mobile device transitions into a mode in which it receives a display acknowledgment (D-ACK) message in response to said C-ACK message, Paragraph 6)**; the base device comprises: means for, after receiving the

connection process completion command, recognizing that the connection is established and transmitting either video data or audio data or both video and audio data to the wireless terminal **(After receiving said C-ACK message, video or audio content is transmitted within said D-ACK message from said gateway that is not displayed or manifested until received at said mobile phone, Paragraph 18, lines 1-5 and Paragraph 5, lines 1-5)**; and second connection confirming mode transiting means for causing transition into the connection confirmation mode in accordance with the input of the instruction from the user; and connection confirmation command transmitting means for transmitting the connection confirmation command, if the transition into the connection confirmation is performed **(Based on said user request, said gateway transitions into said display acknowledgment mode in which said gateway transmits D-ACK message for receiving both of said first and a second type of data, Paragraph 6, Paragraph 18, lines 1-5 and Paragraph 5, lines 1-5)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut to include this feature for the benefit of added security. Yoon teaches warning means for warning the user if the connection confirmation means does not obtain the connection confirmation command within a predetermined time after the transition to the connection confirmation mode; connection counterpart notifying means for notifying, based on the first incoming set of identification data, a user of the base device to which the wireless terminal is currently connected if the connection confirmation command is received within a predetermined time; and the warning means warning the user by displaying a warning message on the display section in an OSD

manner **(Based upon a user selection, a user of a wireless terminal receives a warning signal in an OSD manner when the connection is lost during a predetermined period after the establishment of a connection, and said user continually receives a returned check signal as a confirmation of a good signal during said predetermined period, Paragraph 27, Paragraph 28, lines 1-8, Paragraph 34, lines 1-5, Paragraphs 36-38 and Figures 1 and 2)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut, in view of Hunzinger to include these features for the benefit of added security. Kim teaches said wireless terminal comprising: image output means for causing display means to display an image based on video data received from the base device to which the wireless terminal is connected, the connection counterpart notifying means displaying the identification data on the display section in an OSD manner **(A portable terminal displays video information in an OSD manner, Column 1, lines 41-43 and 49-53 and Column 4, lines 20-32)**. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Fingerhut, in view of Hunzinger, and further in view of Yoon, to include this feature for the benefit of customer service and service variety.

Regarding claims 14 and 15, Fingerhut, in view of Hunzinger, and further in view of Yoon, and further in view of Kim, teaches the wireless system according to claim 11. Fingerhut further teaches the identification data contains a key for encrypting the data and a key for decrypting the encrypted data, where the key for encrypting the data

and the key for decrypting the encrypted data are algorithms specific to the base device indicated by the identification data **(Said activation response packet 18 is transmitted by said base station comprising its base station number contains a key for encrypting the data and a key for decrypting the encrypted data, where said encryption is specific to said base station, Column 6, lines 1-4 and 44-45)**.

Regarding claim 19, Fingerhut, in view of Hunzinger, and further in view of Yoon, and further in view of Kim, teaches the wireless system as set forth in claim 11. Fingerhut further teaches a non-transitory computer readable storage medium storing a control program for operating a wireless terminal constituting the wireless system as set forth in claim 11, the control program causing a computer to function as each of the means **(Said establishment of connection is performed by said wireless device when caused to do so by executable instructions stored on a computer-readable medium, Column 3, lines 64-66)**.

Regarding claim 21, Fingerhut, in view of Hunzinger, and further in view of Yoon, and further in view of Kim, teaches a base device constituting the wireless system as set forth in claim 11. Hunzinger further teaches a non-transitory computer readable storage medium storing a control program for operating a base device constituting the wireless system as set forth in claim 11, the control program causing a computer to function as each of the means **(Said establishment of connection is performed by**

said gateway device when caused to do so by executable instructions stored on a computer-readable medium, Paragraph 24 and Claim 30).

Response to Arguments

6. Applicant's arguments, filed **11/19/10,** with respect to the 101 rejection of claims 9, 19 and 21 have been fully considered and are persuasive. The 101 rejection of claims 9, 19 and 21 has been withdrawn.

7. Applicant's arguments filed 11/19/10 regarding claims 1, 4-5 and 7-9 have been fully considered but they are not persuasive for the following reasons:

In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies **(i.e., the connection request command not including a request for connection with a specific base station)** are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). To further clarify, claims 1 and 11 state **a connection request command that requests a connection with a base device**, indicating the base device may be either a specific or non-specific device. In the case of Fingerhut, although the connection request includes a specific base station, as indicated by Activation-Request

Packet (Field 26 of Figure 3), the specific base station is still a base station. Accordingly, Fingerhut teaches the above limitation.

Regarding the reference not teaching displaying of identification data of the base device, Kim teaches a portable terminal displays video information in an OSD manner, identifying images based on information transmitted from a server, as indicated in Column 1, lines 41-43 and 49-53, Column 2, lines 2-4 and Column 4, lines 20-32.

7. Applicant's arguments, filed 11/19/10, with respect to the rejection(s) of claim(s) 11, 14-15, 19 and 21 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yoon. In addition, any arguments corresponding to previous limitations for which the same reference(s) was/were used are addressed above.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK DONADO whose telephone number is (571) 270-5361. The examiner can normally be reached Monday-Friday, 9:30 am-6 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone

number for the organization where this application or proceeding is assigned is 571-270-6361.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-273-8300.

/Meless N Zewdu/

Primary Examiner, Art Unit 2617

/Frank Donado/
Art Unit 2617